

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|--|--|
| <ul style="list-style-type: none"> • Recommendations to improve the relevance and accuracy of the model • Confirmation of the extent to which the timeliness model has been used to inform target setting by the Commissioner. | <p>The recommendations at 3.4 require discussion with the Law Society as most are new and further data would be needed to explore the relevance and impact on the model. The baseline model however, was developed using information provided by the Law Society, and confirmation was received that the data to construct the baseline was accurate. It should be noted that modelling a business is intended to provide an indication only of how a business can operate as changes will always continue to take place. Of course a model can constantly be updated with relevant data but for the purposes of the OLSCC work it was to provide an indicator at a given time to support development of the target levels for 2007/08. The OLSCC will discuss in more detail with the Law Society its recommendations as well as the use of the model to inform future work.</p> <p>As stated earlier the model is just one indicator and as explained in the targets paper dated 24 November a range of other equally important factors also played a part in informing the target proposals:</p> <ul style="list-style-type: none"> • The findings from audits undertaken by the OLSCC including the most recent Indicative Targets Audit in October 2006; • The original review undertaken by PA consulting in 2004; • The Law Society's performance and delivery against all elements of its Plan over the last 6 months (1 April to 30 September 2006); • The Law Society's capability to improve; • The Law Society's internal restructuring for complaints handling; • Relevant data, management information and detail on measures provided by the Law Society (for which the Commissioner is grateful); • Consultation with the Law Society on the targets for 2007/08; and • Consultation with OLSCC key stakeholders specifically related to target setting. |
| <p>4. IT development The Law Society has set out the potential implication for its business as a result of introducing a new workflow system. Whilst it intends to minimise the</p> | <p>The Law Society will have the opportunity through monthly and quarterly performance review meetings to provide updates on both progress on</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|---|--|
| <p>impact on business where possible it does expect some effects from the changes</p> | <p>implementing the new system as well as any actual impacts on business. Any information presented on the implications will be considered as part of assessing the Law Society's performance against the targets and Plan.</p> |
| <p>5. Rewording of targets The Law Society has proposed rewording some of the targets for the purposes of its plan to ensure that it complies with Plain English standards.</p> <p>The Law Society has asked for consideration to be given to standardising the timeframes on targets to all be either working or calendar days.</p> | <p>Compliance with Plain English standards is welcomed and is something the OLSCC also considers, particularly for documents to be published externally. It is therefore suggested that the Law Society discuss and agree any changes to the supporting text for the targets with the OLSCC before including any revised wording in its Plan.</p> <p>This principle only applies to three of the targets, these being; Q1 represented in working days, and Q2a and Q4 represented in calendar days. Because the two represented by calendar days are lengthy processes, which can involve a varying number of weekends, and the one represented by working days is a short process, it seems appropriate to keep the existing timeframes. The timeframes therefore will remain as originally proposed.</p> |
| <p>6. T1 – Cases over 12 m The Law Society has requested a tolerance of 65 cases (30 within CCS and 35 within SRA) to recognise that a number of cases could go over 12 months as they are subject to delay outside of the Law Society's control.</p> <p>The Law Society has requested a separate timing for complaints, which include both a redress and conduct matter. It has requested for the SRA to have a separate 12 months from when the conduct matter is referred to it from CCS. CCS expects to identify all complaints which may also have a conduct matter within 9 months.</p> | <p>It is a key priority for the Law Society to improve on its current timescales for handling complaints, particularly in relation to complaints about service. These should not take longer than 12 months. The target will therefore remain as no cases over 12 months old with the exception of Redress and Conduct (RDC) matters. Conduct matters have been considered separately. However, when assessing at the end of the year whether the Law Society has acted in accordance with its Plan, as in previous years, consideration will be given to those cases over 12 months old that remain to be concluded where the delay was outside of the Law Society's control. These cases can be verified by OLSCC audit.</p> <p>The distinction the Government is making between RDC complaints is acknowledged, as is the Law Society's efforts to reflect this distinction within its current complaints handling operation. However, concerns remain around the length of time currently being taken by CCS to identify any alleged conduct matter. The time taken for identification of conduct matters must be reduced. Allowing a further 12 months, potentially after a 9-month period has</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|---|--|
| <p>The Law Society has requested that if setting a level of tolerance for RDC matters closing after 12 months, the Commissioner should take into consideration SRA's plans to revisit the threshold test. This test is a criteria applied to RDC matters to assist in determining whether a referral to investigate a conduct matter is made.</p> | <p>already been spent within CCS does not move the Law Society in the right direction for improving complaints handling. To overcome the concerns raised by the Law Society and maintain any improvement in timeliness, all redress matters must be closed within 12 months as set out above. For RDC matters only, it is acknowledged that a perverse incentive could be created to close complex cases where that would be contrary to the public interest. Based on current Law Society volumes of RDC matters (132 matters this year) only 48 are over 12 months old – less than 50%. However, having listened to the representations made by the Law Society both in its letter of 13 December and by telephone on 18 December, it is reasonable to set a tolerance for such cases where the delay is not as a result of the Law Society's actions whilst also avoiding introducing little incentive to investigate a matter. The tolerance level for RDC matters over 12 months old will be set at no more than 65 cases and an OLSCC audit undertaken where this number is exceeded. 65 cases is a very reasonable level at which to set the tolerance, particularly when only 48 RDC matters are currently over 12 months.</p> <p>A review of the threshold test is greatly welcomed, it is indeed an area the OLSCC itself has been considering and would welcome input in to the Law Society's work in this area. It is acknowledged that one of the impacts of changing the threshold test could result in a potential increase in referrals. The Law Society is therefore requested to work with, and notify the OLSCC of its plans and timescales for change. Once any change is introduced, the Law Society should monitor carefully any impact and report this to the OLSCC for consideration.</p> |
| <p>7. T2 – Closures within 3m The Law Society has requested a reduction of 1% and suggested a target of 67% for closing cases within 3 months.</p> | <p>The Law Society's comments and concerns have been considered carefully and the target for closing cases within 3 months has been adjusted from 68% to 67%.</p> |
| <p>8. – 13. Q1-Q5 The Law Society has asked for the quality targets Q1-Q5 to incorporate phased target levels for each quarter. For example the proposed Quality Target 1 is to acknowledge complaints within 5 working days in 95%</p> | <p>It is concerning that the Law Society for each of these quality targets has proposed a lower starting point than that which it needs to achieve by the end</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|--|---|
| <p>of cases. The Law Society has suggested a phasing approach, which starts at 80% for the first quarter and ends at 95% for the final quarter. This would achieve an average performance across the year of 89% against the Commissioner's proposed target of 95%</p> | <p>of this year in order to meet the current targets for quality. If the Law Society is to meet its current targets it should be aiming for a much higher level of performance than 80% by the end of the year (31 March 2007).</p> <p>Q1 The Law Society is proposing a target of 88.8% against the proposed target of 95%. This is following the 5 day acknowledgment service standard of the Law Society. Whilst acknowledging that the IT proposals will help achieve this standard, the Commissioner believes this standard should be achievable even without the benefit of new IT given the Law Society is receiving only approximately 70 written complaints per day. However, taking the Law Society's representations into consideration and balancing the effort required for a temporary manual fix against the planned introduction of an automated system from August 2007, the target will be set at 93%.</p> <p>Q2a The Law Society is proposing a target of 84.5% within 45 days against the proposed target of 88% within 45 days. This improves on the substantive response within 55 days service standard of the Law Society. Whilst acknowledging that the Law Society will need to further reduce the allocation delay and consider greater streamlining of its front end processes, this is not something new. It has for the past year aimed to reduce the number of unallocated cases and streamline its processes. The target does not require the complaint to be investigated, it only requires Law Society staff to accurately identify all the consumer issues, specific to the consumer's circumstances and should serve to progress the matter. It is not acceptable that this process currently takes as long as it does and on some cases even longer. This target will remain unchanged and is set at 88%</p> <p>Q2b The Law Society is proposing a target of 89% against the proposed target of 95%. This again follows the Law Society's own procedure for confirming to the consumer the standard information that is in the consumer's interest to know. This includes the basics of confirming the Law Society's powers and processes, internal complaints procedure and that the consumer's complaint may be copied to the solicitor. It is difficult to understand why issuing standard information on all complaints is not</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|--|--|
| <p>For target Q2b, the Law Society requested that reference to any specific leaflets (IS02) be removed as it is planning to change its processes and would want this to be taken into consideration. The wording should therefore refer to 'appropriate specified information'. The Law society also requested that it is made clear in the target methodology for Q2b that the target will be assessed independently from target Q2a.</p> | <p>achievable. However, taking the Law Society's representations into consideration and balancing the effort required for a temporary manual fix against the planned introduction of an automated system from August 2007, the target will be set at 93%.</p> <p>Q2b Reference to leaflet IS02 has been removed and replaced with the Law Society's suggested wording. It is also confirmed that the Q2b target will be assessed independently from target Q2a to capture the process whereby the Law Society may chose to issue specific information either as part of the acknowledgement process or substantive response process. As the independent assessment also relates to target Q1 this has also been included in the confirmation.</p> <p>Q3 The Law Society is proposing a target of 83% against the proposed target of 85%. Similar to Q2, this target requires Law Society staff to give appropriate and timely information to the consumer and solicitor so that they can both make an informed decision on whether to conciliate the complaint matter or offer and accept a reasonable offer of compensation made. It is imperative that the consumer and solicitor have access to this information so that the right decision for them is made. Law Society staff have guidance and procedures to follow in this area and should be adhering to them in all cases otherwise they are failing both the consumer and profession. This target will remain unchanged and is set at 85%</p> <p>Q4 It is particularly disappointing that the Law Society is offering a proposal for this target that could see a third of consumers being denied at least one update or progression of their complaint every 30 days. The Law Society has offered a 'per opportunity' approach which would allow up to 6,000 update opportunities to be missed out of a potential 50,000 in the year. It is in the consumer's interest to have a target that requires all updates leading to progression of the case in a timely manner. If the Law Society were expecting to achieve closure of 67% of cases within 3 months, most of those cases would only require a single 30-day contact, if any at all, before the complaint was concluded. Also, because of the 12 month target, a greater proportion of cases (around 80%+) will be closed within 6 months, requiring only up to 3 or</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|--|--|
| <p>The Law Society has asked for Q1 and Q2a to not stipulate the medium being used to contact the complainant, but that evidence is shown on file</p> <p>14. Q6 – LSO Index</p> <p>The Law Society has requested that this target be reduced from the proposed 75% to 73% in line with a predicted year average of 73%. It has no evidence as yet that changes it is making to its special payments policy will have the desired impact of improving performance in this area. In addition, although it performed at 73% against this target for October 2006, November's</p> | <p>4 contacts before conclusion. The purpose of this target is to progress the complaint at least every 30 days if it is to be brought to a timely conclusion. The Law Society will need to do this if it is to meet its timeliness targets. This target will remain unchanged and is set at 88%</p> <p>Q5 The Law Society is proposing a target of 83% against the proposed target of 85%. The award of a special payment to the consumer by the Law Society is to recognise and recompense the consumer for the poor service provided by it during the handling of the consumer's complaint. This target requires the Law Society to make appropriate consideration of an award in line with its own special payments policy. If the Law Society is to be recognised as an effective and efficient complaints handling organisation then at the very least it needs to better recognise and recompense failures in its own service. This target will remain unchanged and is set at 85%</p> <p>The proposed quality targets are reasonable and are based on the Law Society's own customer service standards, policy and procedures. These are areas that should be familiar to all Law Society staff and have been in place for some time. It is not acceptable that Law Society staff in some cases do not follow internal policy, procedures and standards. Law Society managers are responsible for encouraging and ensuring adherence to the highest level. They should also be considering using the staged approach suggested by the Law Society but at the appropriate level, to manage internally how the proposed targets will be achieved.</p> <p>It is important that the medium used should be the most appropriate in the circumstances, recognising the customers needs and expressed preferences, and must be evidenced on the file. The medium used will continue to be stipulated.</p> <p>It is important that there continues to be an independent measure of the Law Society's decision making in relation to handling complaints and that the Law Society is encouraged to improve. Q6 will therefore remain as a target and not be re-graded to a KPI. However, taking the Law Society's representations into consideration, this target will be set at 73%. As this</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|--|---|
| <p>performance has resulted in performance at 64% only.</p> <p>The Law Society has requested that this target be re-graded to a Key Performance indicator (KPI) as the measure only captures 7% of total complaints received by the Law Society.</p> | <p>target remains the same as that set for 2006/07, the Law Society will be expected to make every effort possible to achieve it.</p> |
| <p>P1 – Finance</p> <p>The Law Society has requested that only its controllable budget, not allocated costs for central functions should be included as part of the target to utilise its budget fully. Against its controllable budget only, it is proposing a tolerance within which to utilise at least 95%.</p> | <p>For the stakeholder to understand the full cost of handling of a complaint it is important that for the purposes of the Plan that the complete high level budget is included (both controllable and non-controllable budgets). However, the OLSCC needs to better understand the spending associated with the non-controllable budget to determine the best way that this can be represented in the Law Society's Plan. The Law Society should discuss with the OLSCC the detail of its non-controllable budget and agree the appropriate wording and information requirement for its Plan and monthly reporting requirement to the Commissioner.</p> |
| <p>P2 – Resources</p> <p>The Law Society has proposed a utilisation of resources as being more than 95% within which to utilise its resources.</p> | <p>The Commissioner agrees to this and the Law Society should discuss and agree with the OLSCC the wording for its Plan.</p> |
| <p>P3 – Initiatives</p> <p>The Law Society has proposed a change to the wording of the target "We will deliver all the defined benefits of the projects in this plan on time and within cost".</p> | <p>Until a draft of the Law Society's Plan, including detail of the initiatives is seen it is difficult to confirm whether a change in wording is appropriate. This is a matter that the OLSCC can discuss with the Law Society as part of the process for reviewing the draft Plan.</p> |
| <p>P4 – Reporting</p> <p>The Law Society has requested that the dates for reporting monthly performance is less specific to recognise that the same day each month is not always a working day.</p> | <p>The Law Society should discuss and agree with the OLSCC a relevant form of words to capture its reporting requirements to the Commissioner. Like last year this can be supported with a more detailed timetable as an appendix to the Plan.</p> |
| <p>15. Potential target areas – Report writing for adjudication and Solicitors' failure to reply</p> <p>The Law Society has provided information in both areas to show the effort it is making to improve. It expects to see further progress during the remainder of this plan year and has requested that it should not be necessary to set a related target in either area at this time.</p> | <p>The efforts the Law Society is making to improve in these two areas of poor performance has been noted and improvements will be expected to be seen by the end of this plan year – 31 March 2007. The Law Society is requested to monitor closely the impact of its actions in both areas and provide any</p> |

| Summary of the Law Society's comments as set out and numbered in the Appendix to its letter of 13 December in response to the Commissioner's proposed targets for 2007/08 | Commissioner's consideration |
|---|---|
| | evidence of improvement to inform the OLSCC's end of year evaluation of the Law Society's performance. At this stage no targets will be set for either area although as originally proposed the report writing area will be monitored via a KPI. The OLSCC will discuss and agree with the Law Society the detail of this KPI. Both of these areas will be kept under close review by the OLSCC. |